

Exhibit H (Part 2)

1 Artur Sleszynski 101

2 Q In those three weeks prior that you
3 were working at the job site of 400 Columbus,
4 did you use any brackets or crawl boards in the
5 course of your work?

6 A No.

7 Q Had you ever been trained how to
8 use brackets or crawl boards?

9 A No.

10 Q Were brackets or crawl boards
11 available for work on the job site?

12 A No.

13 Q I believe you said that you arrived
14 at the job site at 7:00 a.m. that morning; is
15 that correct?

16 A Yes.

17 Q What did you do after arriving at
18 the job site?

19 A We parked the car, we set up the
20 ladder, we go on the roof, get changed on the
21 roof, put work clothes on, and we start working.

22 Q Did you speak with anybody upon
23 arriving at the job site?

24 A No.

25 Q How did you know what work to

1 Artur Sleszynski 102

2 perform on the date of the accident?

3 A What to do?

4 Q Yes.

5 A Because I was the foreman of the
6 guys. After you work a couple of years on the
7 roof, it's all the same thing, you know what to
8 do. You know the specs of the project and you
9 know how to continue with the work. We just
10 kept going.

11 Q Did anyone have to give you any
12 instructions with respect to the work you had to
13 perform that day?

14 A No.

15 Q You did the work based upon your
16 own directive?

17 A Yes.

18 Q No one told you what work to do --
19 did anyone tell you any manner in which to
20 perform your work?

21 A No.

22 Q After you parked the car, got the
23 ladders out, changed and put your clothes on,
24 what did you do then?

25 MR. BOWMAN: He already answered

1 Artur Sleszynski 103

2 the question. He said he started to do
3 the roofing work. You just asked that
4 question two questions ago.

5 Q What did you do after you put your
6 clothes on and started to work?

7 A Kept working, I mean, I told the
8 guys what to do. I set them up on the roof,
9 told them what exactly they need to do, how to
10 do it, then I went and started painting when the
11 wall dried off.

12 Q Did anyone else from Pinnacle tell
13 you what work to perform on the date of the
14 accident?

15 A No.

16 Q Did Ken Buckley give you any
17 instructions with regards to what work you were
18 supposed to perform that day?

19 A Before that day?

20 Q On that day?

21 A On that day, no.

22 Q So, it was yourself that instructed
23 you to perform the task that you were
24 performing?

25 MR. BOWMAN: You already asked it.

1 Artur Sleszynski 104

2 Q And the answer was yes?

3 A Yes.

4 Q How steep would you say the angle
5 of the slope was that you see in Defendant's
6 Exhibit --

7 MR. BOWMAN: D?

8 Q Exhibit D, this is the bottom part
9 of the slope of the roof that leads up to
10 Exhibit B; is that correct?

11 A Yes.

12 Q What would you say the angle of
13 that slope is?

14 A I would say it's around 40, 45
15 degrees.

16 Q You said that there was another
17 crew on the job site on that day; is that
18 correct?

19 A No.

20 Q So Pinnacle employees were the only
21 employees working on roof on the date of the
22 accident?

23 A Yes.

24 Q While you were on the project, did
25 you see anybody from the ownership entity known

1 Artur Sleszynski 105

2 as 400 Columbus?

3 A I can't recall.

4 Q Was there any other construction
5 work going on at the premises on the date of the
6 accident?

7 A I am not aware of. I can clarify,
8 sometimes maintenance guy came up on the roof to
9 replace, to check the air conditioning units.
10 Other than that, I am not aware of. I don't
11 know.

12 Q Was anyone at all from Hayden on
13 the job site on the date of the accident?

14 A No.

15 Q Did you speak with anyone from
16 Hayden on the day of the accident?

17 MR. BOWMAN: There was no one
18 there.

19 MR. HENNESSEY: I asked if he spoke
20 with anyone from Hayden on the date of the
21 accident.

22 THE WITNESS: I can't recall.

23 Q You were standing on the roof at
24 the time of your accident?

25 A Yes.

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2 Q And you were performing painting
3 work; is that correct?

4 A Yes.

5 Q Had you engaged in that work prior
6 at the job site? Was this your first day
7 painting on the job site?

8 A No.

9 Q How many days prior had you been
10 painting for?

11 A One day, probably.

12 Q On the same paneling?

13 A Yes.

14 Q Did anyone ever instruct you to
15 work with a partner when performing the work you
16 were engaged in at the time of your accident?

17 A No.

18 Q Did Pinnacle have a shanty or a
19 gang box on the project on the date of the
20 accident?

21 A No.

22 Q Is there one on-site, at all, on
23 the project?

24 A Gang box, tool box, no.

25 Q So the accident happened, you

1 Artur Sleszynski 107

2 turned around to speak with your father. You
3 spoke with your father. You started to walk
4 towards the ladder to go down to get materials;
5 is that correct?

6 A Yes.

7 Q Where were you looking when you
8 started walking?

9 A Towards the ladder.

10 Q Towards your ladder. And I believe
11 it was your right foot that got stuck on the
12 overlap of the base roll; is that correct?

13 A Yes.

14 Q Where were you looking when your
15 right foot had struck the overlap of the base
16 roll?

17 A Where was I looking?

18 Q Yes.

19 A I can't recall.

20 Q Did you lose consciousness when you
21 fell?

22 A No.

23 Q Was there anything in your hands
24 when you were walking?

25 A No.

1 Artur Sleszynski 108

2 Q Do you still have the shoes that
3 you were wearing on the day of the accident?

4 A No.

5 Q Were you listening to music at this
6 time?

7 A No.

8 Q Was there any debris or loose
9 material on the ground at the time of the
10 accident?

11 MR. LOCHNER: At the area of the
12 accident?

13 Q At the area of the accident, yes?

14 A At the area where I was walking?

15 Q Yes.

16 A No, not on the -- right next to me,
17 there was my paints and a brush.

18 Q And to confirm, you weren't working
19 from a ladder at the time of the accident,
20 correct?

21 A What was that?

22 Q You weren't working from a ladder
23 at the time of the accident?

24 A No.

25 Q And you weren't working from a

1 Artur Sleszynski 109

2 staircase at the time of the accident?

3 A No.

4 Q Were you working on a scaffold at
5 the time of the accident?

6 A No.

7 Q Were there any loose nails on the
8 roof at the time of the accident?

9 A No.

10 Q Did you trip on any lumber or nail
11 fastenings?

12 A No.

13 Q Was there a procedure for reporting
14 any unsafe or dangerous conditions on the job
15 site?

16 A No.

17 Q Were there any complaints ever made
18 that the job site was -- with respect to the job
19 site being unsafe or any hazardous conditions on
20 the job site?

21 A No.

22 Q How long had this overlap of the
23 base roll been there for, that you had tripped
24 on, on the day of the accident?

25 A A couple of days.

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2 Q Were you aware of the overlapping
3 base roll?

4 A Yes.

5 Q Did you create the overlapping base
6 roll?

7 A I can't recall, I might have.

8 MR. LOCHNER: If you didn't, did
9 someone from Pinnacle create that overlap?

10 THE WITNESS: Yes.

11 Q Who, from Pinnacle, would have
12 created the overlap?

13 A One of the mechanics.

14 Q One of the mechanics being one of
15 the four individuals that you had listed earlier
16 that was at the site?

17 A Yes.

18 Q What, if anything, would you do if
19 you saw an unsafe or dangerous condition on the
20 job?

21 MR. BOWMAN: Objection to form.

22 Rephrase it.

23 Q What were you to do if you saw an
24 unsafe or dangerous condition on the job site?

25 MR. BOWMAN: Same objection.

1 Artur Sleszynski 111

2 Speculative question. I am asking you to
3 rephrase the question.

4 MR. HENNESSEY: Are you directing
5 him not to answer?

6 MR. BOWMAN: I'm asking you to
7 rephrase the question in proper form.

8 Q Did you ever see an unsafe or
9 dangerous condition on the job site?

10 MR. BOWMAN: Over objection, you
11 can answer.

12 THE WITNESS: I can answer?

13 MR. BOWMAN: Yes.

14 THE WITNESS: Yes.

15 Q What did you see?

16 A On this job site, you mean?

17 Q Yes.

18 A On this, some of the workers
19 working outside the safety stance, the safety
20 perimeter lines.

21 Q Pinnacle workers?

22 A Yes.

23 Q Did you notify anybody of this?

24 A I told the workers not to come out
25 through the flags.

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2 Q As a foreman, were you responsible
3 for reporting this to anybody?

4 A No.

5 MR. LOCHNER: Did you report it to
6 anyone?

7 THE WITNESS: No. Can I clarify as
8 well?

9 MR. LOCHNER: Please.

10 THE WITNESS: It happens very often
11 on a worksite like that, people do come
12 out with flags for no reason. Just need
13 to make sure they don't do it and tell
14 them not to do it.

15 Q Did anyone tell you of any
16 dangerous or unsafe conditions on the job site?

17 A No.

18 Q Had you have gone down from the
19 roof prior to the accident, on the day of the
20 accident, so from the time that you got to the
21 job site until the time of the accident, had you
22 ascended and descended the ladder to get on and
23 off the roof?

24 A No, no.

25 Q So, at the time of the accident,

1 Artur Sleszynski 113

2 that was your first time coming, descending down
3 from the roof on that date?

4 A Yes.

5 Q Was the ladder that you --

6 A Can I clarify?

7 Q Go ahead.

8 A I was about to go down the ladder,
9 I never went down the ladder.

10 Q How did you eventually get down
11 from the roof on the date of the accident?

12 A Hatch, roof hatch.

13 Q Was this the same ladder that you
14 used to get on and off the roof in the two,
15 three, weeks prior?

16 A No.

17 Q It was a different ladder?

18 A You mean the roof hatch that I was
19 going down?

20 Q No, not the roof hatch. Now, I'm
21 referring to the ladder?

22 A Yes.

23 Q It was the same ladder?

24 A Yes.

25 Q Was it in the same location?

1 Artur Sleszynski 114

2 A Yes.

3 Q I believe you said you tripped and
4 fell and rolled about fifteen to twenty feet; is
5 that correct?

6 A Yes.

7 Q Prior to rolling fifteen to twenty
8 feet, how far did you fall?

9 A Can you clarify that question?

10 Q When you tripped and fell before
11 you started rolling, how far did you fall?

12 A How far, a foot, two feet.

13 Q And then you rolled an additional
14 fifteen to twenty feet?

15 A Around fifteen.

16 Q In what position did you land?

17 A I can't recall.

18 Q When you first fell to the ground,
19 this is before the roll, when you first fell to
20 the ground, how did you land on the ground?

21 A Okay. I went -- I made a step
22 forward with my right foot and I kind of slipped
23 and I hit my right knee into the roof, and then
24 I started rolling, and then I fell to the left
25 side.

1 Artur Sleszynski 115

2 Q So you landed on your left side?

3 A Yes.

4 Q So it was your right knee that hit
5 the ground first?

6 A Yes.

7 Q Did you grab anything or brace your
8 hands to brace your fall, or reach your hands
9 out to brace your fall in any way?

10 A No.

11 Q You said you saw the overlap prior,
12 correct, the base roll?

13 A I knew it was there.

14 Q For approximately how long was that
15 overlap in the base roll there?

16 A A couple of days.

17 Q And you were on the job site for
18 those couple of days that the base lap roll was
19 there?

20 A Yes.

21 Q Did you bleed as a result of the
22 accident?

23 A No.

24 Q How long did you remain on the
25 ground?

1 Artur Sleszynski 116

2 A On the ground of the roof?

3 Q Yes, I'm sorry, on the roof, after
4 you fell?

5 A I can't recall exactly.

6 Q Who helped you get down from the
7 roof?

8 A My father.

9 Q Who helped you get up off the roof
10 after you had fallen?

11 A No one.

12 Q You were able to get up on your own
13 power?

14 A No, I was on the roof for awhile,
15 resting, making sure nothing is broken, and then
16 after that, my father helped me to walk to the
17 hatch.

18 Q How far did you have to walk to get
19 to the hatch?

20 A Let us say thirty feet, around.

21 Q Did you report the accident, at
22 all, to anybody?

23 A The same day, afterwards?

24 Q At any point?

25 A Yes.

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2 Q Who did you report the accident to?

3 A Zbigniew Kretowcz.

4 Q Did you report it to anyone else?

5 A No.

6 Q How did you report to Mr. Kretowcz?

7 A I called him and I let him know
8 what happened.

9 Q Did you ever prepare any written
10 report as a result of the accident?

11 A On the same day, afterwards?

12 Q At anytime?

13 A Yes.

14 Q What written reports did you
15 prepare?

16 A I was asked by Mr. Kretowcz to sign
17 a report for Hayden, fill it out and sign it for
18 Hayden. So after I signed it, I returned it, I
19 was supposed to give it back to Zbigniew.

20 Q Did you fill out the accident
21 report, yourself?

22 A No.

23 Q Who filled out the accident report?

24 A My lawyer helped me.

25 MR. LOCHNER: Which lawyer helped

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2 you, do you remember the name?

3 THE WITNESS: Yes, Robert

4 Abruzzino.

5 MR. LOCHNER: The last name?

6 THE WITNESS: Abruzzino.

7 MR. LOCHNER: You said Robert

8 Abruzzino?

9 THE WITNESS: Yes.

10 Q Did you review the accident report
11 prior to signing it?

12 A I looked at it, yes.

13 Q Was all the information in the
14 accident report correct?

15 A Yes, it seemed, although when I
16 looked at it once again, my address was
17 misspelled.

18 Q Was there any other errors with the
19 report, besides the address being misspelled?

20 A No.

21 Q On the accident report, you list
22 lack of safety devices as a cause of your
23 accident. What safety devices -- what lack of
24 safety devices were you referring to?

25 A I would say roof brackets, safety

1 Artur Sleszynski 119

2 harness, anything that would prevent me from
3 falling and keep rolling down the roof.

4 Q Prior to the accident, did you ever
5 make any requests for roof brackets?

6 A No.

7 Q Did you ever make any requests for
8 safety harnesses?

9 A No.

10 Q Did you ever make any requests for
11 crawl boards?

12 A No.

13 Q Did you consume any alcohol in the
14 24 hours prior to the date of your accident?

15 A No.

16 Q Any illegal narcotics?

17 A No.

18 Q Any prescription medication?

19 A No.

20 Q Did you fail to take any
21 prescription medication within the 24 hours
22 prior to the date of the accident?

23 A Once again, please?

24 Q Did you fail to take any
25 prescription medication within the 24 hours

1 Artur Sleszynski 120

2 prior to the date of the accident?

3 A Did I fail?

4 Q To take any prescription medication
5 that you may have been required to take?

6 A No. I never took any medication
7 prior to the accident.

8 Q Did you treat with any other
9 medical providers in connection with your
10 injuries as a result of your accident on
11 September 10th, 2011, other than those that you
12 spoke with counsel about prior?

13 A No.

14 Q Have you sustained any subsequent
15 injuries to your right knee?

16 A Can you clarify again?

17 MR. BOWMAN: Have you injured your
18 knee since your accident?

19 THE WITNESS: No.

20 Q Are you able to do all the things
21 that you used to do before the accident, as we
22 sit here today?

23 A Yes.

24 Q Did you incur any out-of-pocket
25 expenses as a result of your accident?

1 Artur Sleszynski 121

2 A Not that I can remember, no.

3 Can I also clarify to the answer
4 about was I able to do the same duties as I did
5 before?

6 Q Sure.

7 A I do the same work, although my
8 work involves a lot of crawling underneath beams
9 and units, a lot on the knees. Whenever I do
10 that, that knee hurts. So I need to work with
11 pain in the knee.

12 Q What about besides work, in your
13 personal life, were there any sports that you
14 used to engage in prior to the accident that you
15 no longer engage in?

16 A I used to ski, I don't ski anymore.
17 I am afraid that something can happen to the
18 knee. I used to play soccer. I don't do it
19 actively no more. I used to jog a little bit.
20 I used to go to gym, I don't go to gym anymore.

21 Q What did you say before the gym?

22 A Jogging.

23 Q Jogging. Have you tried to ski
24 since the accident?

25 A No.

1 Artur Sleszynski 122

2 Q Have you tried to play soccer since
3 the accident?

4 A No.

5 Q Have you tried to jog since the
6 accident?

7 A Yes.

8 Q How many times have you jogged
9 since the accident?

10 A How many times?

11 Q Yes.

12 A I signed up for the gym, I went for
13 a week or two. When I was jogging, my leg after
14 awhile got swollen, so I just stopped.

15 MR. HENNESSEY: Alright. I am
16 going to take a minute to review my notes.
17 If you guys have anything, and would like
18 to go ahead.

19 MR. VARVARO: Sure.

20 EXAMINATION BY

21 MR. VARVARO:

22 Q Good afternoon, sir. I just have a
23 couple of followup questions. I'm going to try
24 my best not to repeat the questions that were
25 already asked of you.

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2 Do you recognize the name Roman
3 Olejnik, O-L-E-J-N-I-K?

4 A Yes.

5 Q Who is Roman?

6 A He is just a name on a piece of
7 paper. He's a friend of Zbignniew Kretowcz.

8 Q Did Roman work at Pinnacle?

9 A No.

10 Q You said that you were on this job
11 site for about three weeks before this accident?

12 A Yes.

13 Q Did Roman work on this job site
14 during the three weeks before this accident?

15 A No.

16 Q You said that the owner of Pinnacle
17 was Andre Lenczewski?

18 A Andre Lenczewski.

19 Q Did Andre come to the job site?

20 A No.

21 Q Big Zbignniew come to this job site
22 during the three weeks before the accident?

23 A He might have, but I can't recall.

24 Q Okay. In this case, I represent a
25 company called Albert B. Ashforth. Do you

1 Artur Sleszynski 124

2 recognize that name?

3 A No.

4 Q While you were on the job site for
5 the approximate three weeks before the accident,
6 did you ever meet anyone who told you they
7 worked for or were connected with Albert B.
8 Ashforth?

9 A No.

10 Q During the approximate three weeks
11 that you were on the job site before the
12 accident, did you see Ken Buckley from Hayden on
13 the job site?

14 A Yes.

15 Q With what frequency, how often did
16 you see Ken Buckley at the job site before the
17 accident?

18 A Before the accident, he was there
19 usually there everyday, unless he had some sort
20 of meeting with the company. So most of the
21 time, like four or five days a week.

22 Q When Ken Buckley came to the job
23 site, did he typically talk to you because you
24 were the foreman for Pinnacle on the job site?

25 A Yes.

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2 Q When Ken Buckley came to the job
3 site during the three weeks before the accident,
4 did he typically come alone or did he come with
5 anyone?

6 A Typically alone.

7 Q On the occasions when you talked to
8 Ken Buckley at the job site before the accident,
9 what kind of topics would the two of you talk
10 about?

11 A Mostly about work. Also, what we
12 did at home during the weekend.

13 Q Did you talk about the progress of
14 the job site?

15 A Yes, yes.

16 Q When Ken Buckley came to the job
17 site before the accident, did you talk to him
18 about safety practices on the job site?

19 A No.

20 Q During the three weeks that you
21 were at the job site before the accident, the
22 equipment that was used by the Pinnacle
23 employees to do the work, who supplied that
24 equipment, was it Pinnacle?

25 A Pinnacle supplied power tools, not

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2 specifically for this job, but we supplied screw
3 guns, saw-jaws, skill saws. For this specific
4 job, we supply torches and hoses for the
5 torches.

6 Q On this job site before the
7 accident, did Hayden supply any tools or
8 equipment for the Pinnacle folks to use on the
9 site?

10 A Propane tanks.

11 Q Anything else?

12 A A lull.

13 Q I'm sorry?

14 A A lull, L-U-L-L, a machine that you
15 use to lift materials.

16 Q What is that? Say it again. What
17 is it?

18 A We use it on a construction site, a
19 four-wheeler machine. It's like a forklift,
20 just way, way bigger.

21 Q To lift people above ground?

22 A Not people, material.

23 Q Materials, okay. So you use that
24 to lift material -- to lift up material to a
25 work level, right?

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2 A Yes.

3 Q Did Hayden provide anything else
4 besides that piece of equipment and the propane
5 tanks?

6 A A ladder.

7 Q Anything else?

8 A I can't recall.

9 Q Did you ever hear of a company
10 named Ahearn Holtzman or Seaboard
11 Weatherproofing and Restoration?

12 A No.

13 Q As far as you understand, for this
14 job site, during the three weeks you were on the
15 site before the accident, besides the equipment
16 that Hayden provided that you just described and
17 besides the equipment and tools that Pinnacle
18 supplied, did any other company supply equipment
19 or tools to the Pinnacle employees, anybody
20 else?

21 A No.

22 Q Now, I just want to make sure I
23 understand what happened. You mentioned earlier
24 that as of the time of the accident, there was a
25 base roll or base level that had been placed on

1 Artur Sleszynski 128

2 the roof; is that correct?

3 A Yes.

4 Q And the -- we call it the base
5 roll, is that what you were calling it earlier?

6 A Yes.

7 Q The base roll, can you just tell me
8 what is that made out of, is it a cloth, is it a
9 plastic, what is the base roll made out of?

10 A It's like, I don't know what it's
11 made of, but when you use the torch underneath
12 the surface, it melts and sticks to the roof.
13 And the top surface, it has like sand in it, so
14 when you walk on it, it's kind of slippery, and
15 that is all I know about it.

16 Q You said it was black in color?

17 A Yes.

18 Q Do you recall, if you remember,
19 don't guess, do you remember the name of the
20 manufacturer of the base roll that was on the
21 roof in your area, in the area when you had the
22 accident? Do you remember the brands?

23 A The brands we used on that
24 particular job was C Plus, I don't remember how
25 to spell it.

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2 Q You said that the bottom of the
3 base roll, when it's heated, melts to the roof?

4 A Yes.

5 Q The roof to which that it melts
6 with, is that typically made out of metal or
7 what is that material?

8 A In this case, that is sheetrock.

9 Q You said sheetrock?

10 A Yes.

11 Q The overlap that you described
12 earlier, you were talking about two separate
13 pieces of the base roll that overlapped; is that
14 right?

15 A Yes.

16 Q Was there any difference in the two
17 areas of base roll that overlapped, or were they
18 the same type of material?

19 A The same type of material.

20 Q Now, at the time when you had your
21 accident, where was your father? Was he on the
22 roof with you or was he somewhere else?

23 A He was on the roof with me.

24 Q If I could just get the photograph
25 that has been marked.

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2 Sir, directing your attention to
3 Exhibit E, do you see the area that is shown in
4 the photograph, do you see the picture?

5 A Yes.

6 Q At the time when you had your
7 accident, was your dad anywhere in the area
8 shown in that picture, Exhibit E?

9 A No.

10 Q Using that picture, where was your
11 dad? Would you have to go off the picture going
12 towards the top, the bottom, the right, the
13 left?

14 A Towards the right.

15 Q Towards the right. At the time of
16 the accident, what was the approximate distance
17 between where you were, when you had the
18 accident, and your dad?

19 A Ten feet.

20 Q Was there anybody else within ten
21 feet of you, besides your dad, at the time of
22 the accident?

23 A No.

24 Q Besides your dad, do you know of
25 anyone else that saw your accident occur?

25 A I wore glasses on the date of the

1 Artur Sleszynski 132

2 accident.

3 Q Were you wearing your glasses at
4 the time of the accident?

5 A Yes.

6 Q At the time of the accident, you
7 said that you were walking, when the accident
8 occurred, towards the ladder?

9 A Yes.

10 Q At the time of the accident, can
11 you describe the pace in which you were walking?

12 A I just made the first step.

13 Q Were you running at the time of the
14 accident?

15 A No.

16 Q At the time when you had your
17 accident, at the time when your accident
18 occurred, was your dad talking to you at that
19 moment?

20 A When the accident --

21 Q Right. When the accident happened?

22 A No.

23 Q At the time that the accident
24 occurred, were you talking to your dad?

25 A No.

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2 Q Were you talking to anyone?

3 A No.

4 Q Now, before the date of the
5 accident, had you put down roofs similar to the
6 one you were working on, on the date of the
7 accident?

8 A Yes.

9 Q Using base sheets and the cap sheet
10 that you described earlier, you were working
11 with this material before the accident?

12 A Yes.

13 Q Okay. And by the way, some of my
14 questions may sound obvious, but we just need to
15 understand. I'm sure your attorney told you
16 that.

17 Before the date of the accident,
18 when you worked on other roofs, you had put down
19 a base roll such as this one, correct?

20 A Yes.

21 Q Before the date of the accident on
22 other jobs, had you put down base rolls where
23 there were overlaps?

24 A Yes.

25 Q That was something that was common,

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1 Artur Sleszynski 134

2 correct?

3 A Yes.

4 Q On other job sites, before the
5 accident, when you would put down base rolls and
6 there were overlaps, on those other job sites,
7 did Pinnacle use roof brackets or safety
8 harnesses that you described earlier?

9 A No.

10 Q Did you ever ask for them on the
11 prior job site?

12 A No.

13 Q Before the accident, besides
14 Pinnacle, did you ever work for another roofer?

15 A No. Can I clarify?

16 Q Sure.

17 A I worked with Pinnacle, the same
18 people, same management, just a different name
19 of the company.

20 Q So, before the date of the accident
21 when you had worked on other roofs, and when you
22 had put down base rolls on other roofs, were
23 those jobs handled pretty much the same way as
24 the one that you were working on, on the date of
25 the accident?

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1 Artur Sleszynski 135

2 A Yes.

3 Q When you injured your knee back in
4 2009, besides going to the Greenpoint Manhattan
5 Clinic, did you go to any other doctor,
6 therapist, hospital, healthcare provider, for
7 your knee?

8 A No.

9 Q When you injured your knee back in
10 2009, did you make a Worker's Compensation claim
11 in connection with that accident?

12 A No.

13 Q After this accident and after you
14 moved to Massachusetts, did you see any doctors
15 or healthcare providers in Massachusetts for
16 your right knee?

17 A No.

18 Q Now, you told us earlier that you
19 had surgery on your right knee, October 18th,
20 2011, that sounds about right to you?

21 A Yes.

22 Q About one month after the accident;
23 is that about right?

24 A Yes.

25 Q After the accident, but before the

1 Artur Sleszynski 136

2 operation on your right knee, did you use
3 crutches during that time period?

4 A Yes.

5 Q For how long, approximately, did
6 you use the crutches after the accident, but
7 before the surgery?

8 A For how long?

9 Q Yes, sir.

10 A I used them for around two weeks.

11 Q After the surgery, did you use
12 crutches?

13 A Yes. I used crutches and they also
14 supplied me with a walker for the first couple
15 of days.

16 Q You started physical therapy after
17 the surgery, correct?

18 A Yes.

19 Q After the surgery, for
20 approximately how long did you use the crutches?

21 A After the surgery?

22 Q Yes, approximately?

23 A Approximately, a month.

24 Q Did you use the walker before the
25 crutches or at the same time?

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1 Artur Sleszynski 137

2 A The walker, I used for the first
3 couple of days.

4 Q And then the crutches?

5 A And then the crutches.

6 Q When you went for physical therapy
7 during a portion of that time, did you use the
8 crutches?

9 A Yes.

10 Q When you went to physical therapy,
11 how did you get there?

12 A My wife drove me.

13 Q Now, your second child was born in
14 2012, the year you moved to Massachusetts,
15 correct?

16 A Yes.

17 Q And you and your family moved from
18 New York to Massachusetts in 2012; is that
19 right?

20 A I am sorry -- can you repeat the
21 question?

22 Q You and your family, you moved to
23 Massachusetts in 2012, last year?

24 A Yes.

25 Q And when you and your family moved

1 Artur Sleszynski 138

2 from New York to Massachusetts, did you hire
3 movers to do that, or did you move your family's
4 belongings?

5 A I moved it, and my friends helped
6 me.

7 Q Did you rent any sort of a truck or
8 trailer to move your furniture and belongings?

9 A No, my friend, he has a van.

10 Q At the time of the accident,
11 besides working for Pinnacle, did you have a
12 second job where you moonlighted to earn extra
13 money?

14 A No.

15 Q At the time of the accident, did
16 you have a business on your own account, where
17 you had your own company?

18 A No.

19 Q In order to prepare for our time
20 together today at the deposition, did you look
21 at anything, did you look at the pictures before
22 the deposition that you took, did you do that?

23 A Yes.

24 Q Besides looking at the pictures
25 before the deposition, did you look at any other

1 Artur Sleszynski 139

2 papers or documents in order to prepare for
3 today?

4 A Yes.

5 Q What did you look at?

6 A I looked at my bills from the
7 hospital. I just looked at the names of the
8 places that I went to.

9 Q You are talking about like the
10 doctors?

11 A Yes, doctors and names, because I
12 couldn't remember all of them.

13 Q Did you look at the accident report
14 that you described earlier?

15 A Yes.

16 Q Did you look at anything else,
17 besides the things that you just mentioned?

18 A No.

19 Q Okay.

20 MR. VARVARO: Can you mark this?

21 (Whereupon, Defendant's Exhibit G,
22 Multi-page document, was marked for
23 identification.)

24 Q Mr. Sleszynski, take a look at the
25 document that was marked Defendant's Exhibit G,

1 Artur Sleszynski 140

2 and let me know when you are done.

3 A Okay.

4 Q Is that the accident report that
5 you described earlier that Zbigniew asked you
6 to fill out and sign?

7 A Yes.

8 Q And is that your signature that
9 appears on the bottom of Exhibit G?

10 A Yes.

11 Q Now, on top of your signature, the
12 handwriting that is on that form, is that your
13 handwriting or somebody else's?

14 A Above my handwriting?

15 Q Above your signature.

16 A That is somebody else's.

17 Q Do you know whose handwriting that
18 is?

19 A Yes.

20 Q Whose was it or whose is it?

21 A My lawyers.

22 Q Okay. Before you signed the
23 report, did you read it over?

24 A Yes.

25 Q When you read over and signed the

1 Artur Sleszynski 141

2 report, besides your lawyer, was Zbigniew with
3 you?

4 A No.

5 Q Was there anyone else with you
6 besides your lawyer?

7 A No.

8 Q Besides this form, Defendant's
9 Exhibit G, did you sign any other accident
10 reports pertaining to the accident that we are
11 talking about today?

12 A No.

13 Q You mentioned earlier that after
14 the accident, there came a time that you went to
15 the Long Island Jewish Hospital, correct? After
16 the accident, you went to LIJ, to the hospital;
17 is that right?

18 A A couple of days, yes.

19 Q When you went to the hospital, did
20 you stay overnight?

21 A No, I went to emergency room. I
22 stayed there for four hours.

23 Q When the doctor performed the
24 surgery on your right knee, were you put to
25 sleep?

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1 Artur Sleszynski 142

2 A Yes.

3 Q At the time of the accident, did
4 you have a doctor who you considered your family
5 doctor, someone you would see for a cold or a
6 flu or something like that?

7 A No. Can I clarify?

8 Q Sure.

9 A If I had anything wrong with my
10 body, I usually went to Semla-Pulaski, or to
11 Manhattan Clinic in Greenpoint.

12 MR. VARVARO: I have no further
13 questions. Thank you.

14 EXAMINATION BY

15 MR. LOCHNER:

16 Q Good afternoon, sir. I represent
17 an entity known as Ahearn, Holtzman, Inc. Have
18 you ever heard of that company?

19 A No.

20 Q They are also doing business as
21 Seaboard Waterproofing and Restoration. Have
22 you ever heard of that company?

23 A No.

24 MR. BOWMAN: Is it Waterproofing or
25 Weatherproofing?

1 Artur Sleszynski 143

2 MR. LOCHNER: Well, I'll give you
3 the full name. It's Ahearn Holtzman,
4 Inc., doing business as Seaboard
5 Waterproofing and Restoration, incorrectly
6 sued herein as Seaboard Weatherproofing
7 and Restoration.

8 MR. BOWMAN: Did you ever hear of
9 that company?

10 THE WITNESS: No.

11 Q Sir, how long were you on the roof
12 painting that morning before you had your
13 accident?

14 A How long was I on the roof before?

15 Q That day?

16 A That day, six hours.

17 Q That area that is depicted as the
18 metal flashing in Exhibit B and --

19 A You mean the metal paneling wall?

20 Q The metal paneling wall that is in
21 Exhibit B. It's also partially shown in
22 Defendant's E. Is that all the metal flashing
23 wall, metal panel wall that you had to paint, or
24 were there other areas that you had to paint?

25 A That wall, but it continues around

1 Artur Sleszynski 144

2 the roof, so this is only one side of it.

3 Q It's around the entire roof?

4 A Yes.

5 Q Around the entire roof, does it
6 also have an angled roof, such as the one
7 depicted in Exhibit E that you circled?

8 A Yes.

9 Q You said you painted that paneling
10 the day before, as well, correct?

11 A Yes.

12 Q That was about eight hours of
13 painting, nine hours of painting the day before?

14 A I can't recall how many hours.

15 Q Was it the whole day that you
16 painted?

17 A The whole day on the job site.

18 Q What were you using to paint, were
19 you using a brush, a roller, what equipment were
20 you using to paint?

21 A A roller and a brush.

22 Q Just using Exhibit E as an example,
23 if you were standing on the sloped roof, were
24 you able to reach the top of the metal paneling?

25 A Yes.

1 Artur Sleszynski 145

2 Q What material did your father
3 indicate that he needed you to go down and bring
4 up?

5 A He needed flashing material, the
6 silver material right there (indicating).

7 MR. LOCHNER: The silver material
8 right there, indicating, pointing at
9 Defendant's E. Looks to be like a right
10 angle, silver-type flashing at the bottom
11 of the picture and leading up towards the
12 center.

13 Q Who supplied the propane tanks?

14 A Hayden ordered them, I don't know
15 who the supplier was.

16 Q Hayden brought them to the site for
17 you?

18 A The supplier brought, Hayden
19 ordered them.

20 Q The base material that you were on
21 just before this accident, was that a rubber
22 material?

23 A Is it rubber, no -- I don't know.
24 It's not rubber, because rubber would burn out,
25 it's kind of hot tar material, I would say more.

1 Artur Sleszynski 146

2 Q In your experience at this job
3 site, was that base, was it sticky, was it
4 slippery? You describe for me what you found
5 this base material to be before your accident?

6 A When it's hot, it's sticky. You
7 can stick to it, like either you can fall. When
8 it's colder, it has like a sand granules. Very,
9 very small. So it's not slippery then.

10 Q On the day of the accident, was it
11 a hot material, so it was sticky or was it cool
12 or something else, right before your accident?

13 A It was hot.

14 Q Other than using the torch to put
15 down the base, is there anything else that
16 adheres the base to the sheetrock?

17 A This material and this base, no.

18 Q And based on your testimony, you
19 took your first step with your right foot and
20 then you fell, is that what you said to us
21 earlier?

22 A Yes.

23 Q Prior to making that first step,
24 did you ever take a look at the path you
25 intended to take?

1 Artur Sleszynski 147

2 A I looked towards the ladder, there
3 was nothing in the way.

4 Q My question is very specific.
5 Before you took that first step, did you take a
6 look at the path you intended to walk down the
7 roof before the accident?

8 A I can't recall.

9 Q Can you tell me -- you talked about
10 an overlap. Can you describe for me, does that
11 overlap create any height differential?

12 A It's just a quarter of an inch
13 height differential.

14 Q Is that a slope differential? In
15 other words, you have the overlap that is coming
16 from the top of the roof that overlaps the base
17 below it?

18 A Yes.

19 Q And the height differential, is
20 that a slope-type differential over that area,
21 on the lowest part of the base?

22 A Yes, sloped.

23 Q What caused you to fall in this
24 accident?

25 A Sticking to the sheet. I kind of

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1 Artur Sleszynski 148

2 stuck, I slipped on it. When it's hot, when
3 it's sunny, the material is sort of sticky and
4 it melts a little bit, so you stick to it, and I
5 fell.

6 Q Are you saying you fell because you
7 stuck to the roof, I'm not following?

8 A This material is slippery and
9 sticky both. I'm sorry about my English, my
10 first language is Polish.

11 When it's hot, it's melting. It
12 depends on the weather, as well. On that day,
13 it could be slippery, it could be sticky. When
14 you step, especially on the laps like this one,
15 when you step on it, you can slip on it. If you
16 stand on it longer, you are going to stick to it
17 and rip the material apart.

18 Q How long were you working on that
19 area of the roof before the accident occurred,
20 you said a couple of hours?

21 A Yes.

22 Q Were you sticking or slipping, at
23 all, on the base, prior to having this accident
24 that morning?

25 A Kind of, yes.

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1 Artur Sleszynski 149

2 Q What was happening?

3 A When you work on it, when you stand
4 for a longer period of time on it, you stick to
5 the material, side of it, become sideways, not
6 to stick into it.

7 Q To become unstuck, what do you have
8 to do?

9 A Twist your legs sideways.

10 Q Is it difficult to get your shoe
11 unstuck?

12 A No.

13 Q Did you slip, at all, prior to the
14 accident on that day, on that base?

15 A No.

16 Q Are you aware of anyone who slipped
17 on that base material prior to your accident?

18 A Not that I'm aware of.

19 Q You said two things so far. At one
20 point you said you slipped as a result of
21 stepping on the overlap. And you also said that
22 you got stuck and that caused you to fall. Do
23 you know which it was, did you slip or did you
24 get stuck, which caused you to fall?

25 A Slip.

1 Artur Sleszynski 150

2 Q After the accident, did you go back
3 to look near the area where you fell?

4 A No.

5 Q Did you ever look back at the area
6 where you fell?

7 A No.

8 Q Are you aware of there being
9 anything in that area, other than the base
10 material at the time that you fell?

11 A No. Like I said, my paintbrush and
12 bucket for my paint.

13 Q But you didn't trip over your
14 paintbrush or your bucket?

15 A No.

16 Q So, I'm just talking about where
17 you had your accident. Was there anything in
18 that area where you fell, other than the base
19 roll that you talked about?

20 A No.

21 Q Just the base roll, correct?

22 A The base roll was already on the
23 roof, it was surface, it was flat.

24 Q The rest of the roof, was it in the
25 same condition, so it just had the base roll and

1 Artur Sleszynski 151

2 not the top?

3 A I can't recall entirely around,
4 but, yes, I would say yes. Because we decided
5 to leave everything the way, like that, when we
6 painted it, so when it get dirty, we don't
7 damage the top layer of the roof.

8 Q The top layer of the roof, it's a
9 little lighter than the base coat; is that
10 correct?

11 A It's light.

12 Q Have you ever served any time in
13 the military?

14 A No.

15 Q I'm skipping around a little bit,
16 because I'm looking at some notes.

17 What was your rate of pay at
18 Pinnacle at the time of the accident?

19 A They paid me 500 a week.

20 Q Was it a flat rate or hourly?

21 A Hourly.

22 Q So, it came out to about 500 a
23 week?

24 A Yes.

25 Q Was that your take-home, is that

1 Artur Sleszynski 152

2 what you took home, or was that before taxes?

3 A It was before taxes.

4 Q Immediately following this
5 accident, were you unable to work?

6 A As work as for --

7 Q As a roofer?

8 A No, I was unable.

9 Q Did you work, at all, at any time
10 after -- you had the accident, when was the
11 first time you went back to work?

12 A In May of 2012, May 29th, I
13 believe, that is when I started.

14 Q That is when you started off in
15 Massachusetts?

16 A Yes.

17 Q And all of your medical treatments
18 have been paid for through Worker's
19 Compensation; is that correct?

20 A Yes.

21 Q Do you owe money to any doctors or
22 are there any liens outstanding that you are
23 aware of?

24 A No.

25 Q Have you taken any loans against

1 Artur Sleszynski 153

2 your recovery in this case?

3 A No.

4 Q Right after the accident, who did
5 you call first?

6 A Right after the accident?

7 Q Yes. Who was the first person you
8 called to tell about the accident?

9 A I can't recall. I called two
10 people, my wife and Zbigniew. I don't remember
11 who was first.

12 Q What did you tell Zbigniew about
13 the accident?

14 A I told him I fell on the roof, I
15 injured my knee, I can't work no more.

16 Q Did he ask you how you fell on the
17 roof?

18 A I can't recall that.

19 Q Did you tell him how you fell on
20 the roof?

21 A I can't recall. Probably.

22 Q Did you call Ken that day, as well?

23 A No.

24 Q Did you ever speak to Ken about the
25 accident, Ken Buckley?

1 Artur Sleszynski 154

2 A Yes.

3 Q When was the first time you spoke
4 to Ken Buckley about your accident?

5 A The next day.

6 Q What did you say to him?

7 A I described what happened. I told
8 him I won't be able to work for awhile until the
9 knee gets better.

10 Q When you described for him what
11 happened, what words did you use? What did you
12 tell him?

13 A I told him I slipped, I fell on the
14 roof. I rolled a couple of times. And then I
15 couldn't walk for awhile. When I noticed my leg
16 was not broken, I could get up with the help of
17 my father. I told him I got off the roof, I
18 stayed in the van, and then I went home.

19 Q Did Ken ever ask you how you fell?

20 A Not that I recall, no.

21 Q Did you ever tell Ken what caused
22 you to fall?

23 A I described how it happened.

24 Q What did you tell him when you
25 described how it happened?

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1 Artur Sleszynski 155

2 A Just what I told you before.

3 Q Did you indicate at all to Ken that
4 you believe you slipped on the overlap?

5 A No, not that I can recall.

6 Q When was it, for the first time
7 after the accident, when you first felt pain in
8 your knee? Was it when you first fell? Was it
9 while you were rolling? Was it when you were at
10 the bottom of the flat part of the roof? You
11 tell me.

12 A When I first fell and hit the roof
13 with my knee, I heard like a cracking with my
14 knee, and then I rolled a couple of times, and
15 then I just couldn't walk on it no more. I
16 couldn't stand. I tried to stand up, but I
17 couldn't.

18 Q The crack that you heard, that was
19 on the initial contact with the roof?

20 A Yes.

21 Q Did your knee hit anything else
22 while you rolled down the roof?

23 A No, that I'm aware of. Just the
24 roof a couple of times, when I was rolling.

25 Q Can you describe for me where the

1 Artur Sleszynski 156

2 pain was in your right knee -- was it your
3 right?

4 A Yes.

5 Q Where was the pain in your right
6 knee?

7 A Where?

8 Q Yes, can you describe it?

9 A Sides.

10 Q Both sides?

11 A Yes.

12 Q Did you make any claims for any
13 disability, disability claims, social security
14 disability?

15 A No.

16 Q The knee surgery that you had, did
17 they cut open your whole knee or did they put
18 three holes in your knee?

19 A They put three holes in my knee --
20 I mean two. Like two little slices and then one
21 long.

22 Q How long is the long slice?

23 A Three inches.

24 Q How many times did you see

25 Dr. Price after he did the surgery?

1 Artur Sleszynski 157

2 A Six, seven times.

3 Q When was the last time that you saw
4 a doctor for any complaints from this accident?

5 A I can't recall the day. It was the
6 only day I saw him last time was when he gave me
7 the discharged papers from the clinic, that I
8 was fine, I could go to work. I can't recall
9 when was that.

10 Q Was that in 2012?

11 A 2012.

12 Q Do you remember what month or
13 season?

14 A It might have been April, I don't
15 remember exactly. April or May.

16 Q You indicated earlier that you were
17 receiving \$333 per week from Worker's Comp for
18 your lost wages. Do you know how long you
19 received that money for?

20 A I can't tell you exactly. I don't
21 want to lie. It was around two months, then
22 they decreased the money to 133 a week.

23 Q In terms of time that you received
24 the money from Worker's Comp for lost wages,
25 when did that end?

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1 Artur Sleszynski 158

2 A It was like six months.

3 Q After you settled your case, did
4 you stop getting Worker's Compensation payments
5 for lost wages?

6 A Yes.

7 Q Since returning to work in
8 Massachusetts with Centimark, have you lost any
9 time from work, as a result of pain from this
10 accident?

11 A No.

12 Q When you were working for Pinnacle
13 at the time of this accident, did you receive
14 any benefits, any health benefits, time off, any
15 kind of benefits other than your salary?

16 A From Pinnacle?

17 Q Yes.

18 A No benefits. They just allowed me
19 to drive the guys to work, and they paid me for
20 the days of work.

21 Q How about at Centimark, do you get
22 any benefits from Centimark, whether it's time
23 off, pension, medical coverage, anything like
24 that?

25 A Yes.

1 Artur Sleszynski 159

2 Q What do you get at Centimark?

3 A I get health insurance, 401K plan,
4 but I didn't sign up for it, though. I don't
5 know if I want to stick around with the company
6 for longer. Maybe.

7 Q Any other benefits?

8 A Paid holidays.

9 Q How about like sick time?

10 A No.

11 Q Vacation time?

12 A Vacation time, one week after one
13 year.

14 Q Did you receive overtime payments
15 at Pinnacle, or was it always 500 a week?

16 A I need to clarify that, too. It
17 was always 500 a week on the books.

18 Q What else did you receive?

19 A Cash payments, as well.

20 Q How much were you receiving weekly
21 in cash payments when you worked for Pinnacle,
22 on average?

23 A 1,000 -- I mean altogether, 1,000.

24 Q So 500 in cash, 500 on the books?

25 A Yes.

1 Artur Sleszynski 160

2 Q Was it always 1,000 straight every
3 week?

4 A No, it was dependent on the hours
5 and weather.

6 Q If you worked overtime, what rate
7 did they pay for overtime, was it flat or was
8 it -- time and-a-half?

9 A Flat.

10 Q At Centimark, do they pay overtime?

11 A Yes.

12 Q Is it at time and-a-half?

13 A Yes.

14 Q The ladder that was used to get
15 onto the roof, that was supplied by Hayden?

16 A Yes.

17 Q And your father, you believe, is
18 the only witness to this accident; is that
19 correct?

20 A Yes.

21 MR. HENNESSEY: I just have one
22 quick one.

23 EXAMINATION BY

24 MR. HENNESSEY:

25 Q You didn't fall off the roof,

September 13, 2013

1 Artur Sleszynski 161

2 correct?

3 A No.

4 Q How long were you talking with your
5 dad just before you had your accident?

6 A Two or three minutes.

7 Q When you were talking to him, what
8 direction were you facing? Were you facing down
9 the slope, to the side of the slope?

10 A To the side of the slope. If I was
11 facing the wall at the bottom, where the ladder
12 was set up, I was looking towards the left.

13 Q Let me just set it up. When you
14 were talking to your dad, your back is to the
15 wall you're painting, and your dad is to your
16 left?

17 A Yes.

18 Q Did you move your feet, at all,
19 while you were talking to your dad for the two
20 to three minutes?

21 A Yes.

22 Q Were you having any difficulty with
23 your footing for those two to three minutes
24 while you were talking with your dad?

25 A No.

1 Artur Sleszynski 162

2 Q That base that you had your
3 accident on, how long was that base installed
4 for prior to the accident?

5 A A couple of days.

6 Q That was installed by Pinnacle?

7 A Yes.

8 Q And you were involved in the
9 installation; is that correct?

10 A Yes.

11 Q Were you the torch man or something
12 else?

13 A Torch man.

14 Q The overlap that was located on the
15 base coat on this roof, was that done properly?

16 A Yes.

17 Q You said earlier that there were no
18 other contractors on the site on the day of the
19 accident, on days prior, did you see any other
20 contractors for the three weeks that you were
21 there working on the roof?

22 A No, just I saw maintenance guy once
23 walking by. And a couple of days before, I
24 believe there was an AC guy, but I'm not --

25 Q But the AC guy was unrelated to

1 Artur Sleszynski 163

2 your roof work, correct?

3 A No, no.

4 Q You said earlier, another company
5 ripped the roof off, is that what you said
6 earlier?

7 A Yes.

8 Q Do you know which company did the
9 roof rip off?

10 A They are called Turbo.

11 Q Turbo?

12 A Yes, Turbo.

13 Q Were you guys onsite while they
14 were ripping? In other words, was it done in
15 phases where say they rip one side and you guys
16 would put the membrane on?

17 A Yes. Myself and Ken, we decided
18 how much to rip, then we told the boss from
19 Turbo, and they ripped overnight.

20 In the morning, we came, we set up
21 a ladder, and just had to lay the new roof on.

22 Q The project that you were at for
23 this one, it was about three weeks before the
24 accident, was that the first time you ever
25 worked at this building or had you done work

1 Artur Sleszynski 164

2 there at other times?

3 A I've done work there at other
4 times.

5 Q What other work did you do at
6 building?

7 MR. LOCHNER: Over objection, you
8 can answer.

9 THE WITNESS: I did another roof.

10 Q Another roof at that building?

11 A Yes, similar to this one, just in
12 different wing of the building.

13 Q Are you aware of whether or not if
14 this was phase one, phase two, or phase three of
15 the project; do you know?

16 A I am not aware.

17 Q The other project that you were on
18 at this building, how long did that project
19 last?

20 A I can't recall exactly. A month, a
21 month and-a-half.

22 Q Did that project also involve
23 painting of the metal paneling?

24 A Yes.

25 Q The other project that you worked

1 Artur Sleszynski 165

2 on before this, was the roof made up the same
3 way where you had an angled roof that sloped up
4 to where the metal panel was located?

5 A Yes.

6 Q Did you also paint the metal
7 paneling on the prior project at this scene?

8 A Yes.

9 Q When you painted the other projects
10 metal paneling, did you do that while standing
11 on the base coat?

12 A Yes.

13 Q Did you have any difficulties, at
14 all, when you were working on the other project
15 prior to this one when you did that painting?

16 MR. BOWMAN: Objection.

17 THE WITNESS: No.

18 Q Was the angle the same for the
19 roof?

20 A Yes.

21 Q Did you work at this building on
22 any other project, other than the one that you
23 were there for the day when you had this
24 accident and this prior one we just spoke about?

25 A I was in charge of the guys during

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2 that project that I had accident with, but then
3 like years before that, I also worked on the
4 roof, as well, on similar project, I was there
5 just working.

6 Q Did you have any present physical
7 complaints, by that I mean things that are
8 bothering you about your knee in the past month
9 that you relate to this accident?

10 A Can you clarify the question? I'm
11 sorry.

12 Q Do you have any complaints about
13 your knee presently, things that have bothered
14 you about your knee in the past month?

15 A Yes, when the weather turns colder,
16 I have slight pain in the knee. When I work
17 most of the time on my knees, bending, just
18 working on my knees. When I stand up, my knee
19 is cracking, and for first couple of steps, I am
20 limping, but then it's okay. If I ever have to
21 kneel and then stand up, it hurts.

22 Because the project on the roof is
23 half of the day, we lay out insulation, lay out
24 membrane. After that, when we come back from
25 lunch, we do all the flashing, all the work is

1 Artur Sleszynski 167

2 done on knees.

3 Q Are you able to do that presently
4 at Centimark?

5 A Yes.

6 Q You continue to do that at
7 Centimark, you continue to lay insulation, you
8 continue to lay base coats and flashing at
9 Centimark?

10 A Yes, we don't do the same system,
11 although we do similar work.

12 Q Do you have to wear presently any
13 sort of brace on your knee when you work?

14 A No.

15 Q Do you wear any sort of knee pads
16 presently?

17 A Yes.

18 Q Did you wear knee pads before this
19 accident?

20 A Yes.

21 Q Like the strap-on Velcro pad?

22 A Yes. Just don't want to damage
23 your knee when you have to work like that.

24 Q When you were working for Pinnacle
25 at the time of this accident, did you have any

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2 other source of income, other than your
3 employment at Pinnacle, did you make any money
4 anywhere else?

5 A No.

6 Q Does your wife work?

7 A Yes.

8 Q What does she do?

9 A She is a housekeeper.

10 Q Did she work when you had this
11 accident, at Pinnacle?

12 A No.

13 (Off-the-record discussion.)

14 EXAMINATION BY

15 MR. BONIFATI:

16 Q The material used for the roofing,
17 sir, who provided them?

18 A Hayden ordered them through some
19 other manufacturing company, I don't know.

20 Q It was Hayden that ordered them?

21 A Yes.

22 Q I may have missed something, but
23 the electrical equipment, who provided the
24 electrical equipment?

25 A Us, Pinnacle.

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2 Q Hayden provided ladders, propane

3 tank?

4 A Yes.

5 Q Anything else?

6 A Paint.

7 Q How about the paintbrush you were

8 using?

9 A Paint bucket, brushes, sticks.

10 Q Hayden provided all of that?

11 A Yes.

12 Q Was Hayden the company that you

13 mentioned before hired to remove the roof, what

14 was the name of that company?

15 A Turbo.

16 Q Were they a subcontractor of

17 Hayden?

18 A Yes.

19 Q They, too, were under Mr. Buckley's

20 supervision?

21 A I guess not. They worked

22 overnight, he was with us during the day.

23 Q But they were a subcontractor of

24 Hayden?

25 A Yes. He told them how much to rip

1 Artur Sleszynski 170

2 and where to rip. So, I guess, yes.

3 MR. BONIFATI: Okay. I have
4 nothing. Thank you.

5 EXAMINATION BY

6 MR. LOCHNER:

7 Q Looking quickly at Defendant's G,
8 is any of that in your handwriting other than
9 the signature, that is the accident report, one
10 page?

11 A No, just my signature.

12 EXAMINATION BY

13 MR. HENNESSEY:

14 Q Was an ambulance ever called to the
15 scene?

16 A No.

17 Q Did you create any work records
18 with regards to your work at the site?

19 A Work regards?

20 Q Yes.

21 A No.

22 EXAMINATION BY

23 MR. LOCHNER:

24 Q In terms of time, how many hours
25 did you spend painting on that roof, where you

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Artur Sleszynski

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were standing on the rubber base, on that angle
of the roof, before your accident happened?

A How many hours painting?

Q Yes, approximately?

A Three hours.

Q I am talking about in total, the
day before and day of?

A Oh, total, day before and day of,
sixteen hours just painting.

(Continued on next page to include jurat.)

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Q Did you have any slips or falls
during those prior sixteen hours?

A No.

MR. LOCHNER: I have nothing
further. Thank you.

(Time noted: 2:46 p.m.)

ARTUR SLESZYNSKI

Subscribed and sworn to
before me this day
of , 2013.

NOTARY PUBLIC

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None.

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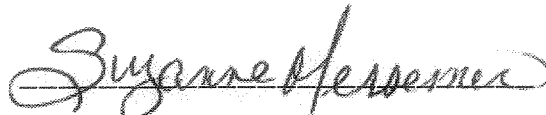
CERTIFICATE

I, SUZANNE MESSEMER, a Notary
Public within and for the State of New York, do
hereby certify:

That ARTUR SLESZYNSKI the
witness(es) whose deposition(s) is(are)
hereinbefore set forth, was(were) duly sworn by
me and that such deposition(s) is(are) a true
and accurate record of the testimony given by
such witness(es).

I further certify that I am not
related to any of the parties to the action by
blood or marriage; and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of September, 2013.



SUZANNE MESSEMER

September 13, 2013

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